

**§ 2000bb-4. Establishment clause unaffected**

Nothing in this chapter shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion (referred to in this section as the “Establishment Clause”). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this chapter. As used in this section, the term “granting”, used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

(Pub. L. 103-141, §7, Nov. 16, 1993, 107 Stat. 1489.)

**CHAPTER 21C—PROTECTION OF RELIGIOUS EXERCISE IN LAND USE AND BY INSTITUTIONALIZED PERSONS**

Sec.	
2000cc.	Protection of land use as religious exercise.
	(a) Substantial burdens.
	(b) Discrimination and exclusion.
2000cc-1.	Protection of religious exercise of institutionalized persons.
	(a) General rule.
	(b) Scope of application.
2000cc-2.	Judicial relief.
	(a) Cause of action.
	(b) Burden of persuasion.
	(c) Full faith and credit.
	(d) Omitted.
	(e) Prisoners.
	(f) Authority of United States to enforce this chapter.
	(g) Limitation.
2000cc-3.	Rules of construction.
	(a) Religious belief unaffected.
	(b) Religious exercise not regulated.
	(c) Claims to funding unaffected.
	(d) Other authority to impose conditions on funding unaffected.
	(e) Governmental discretion in alleviating burdens on religious exercise.
	(f) Effect on other law.
	(g) Broad construction.
	(h) No preemption or repeal.
	(i) Severability.
2000cc-4.	Establishment Clause unaffected.
2000cc-5.	Definitions.

**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in section 1988 of this title.

**§ 2000cc. Protection of land use as religious exercise**

**(a) Substantial burdens**

**(1) General rule**

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

**(2) Scope of application**

This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

**(b) Discrimination and exclusion**

**(1) Equal terms**

No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

**(2) Nondiscrimination**

No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

**(3) Exclusions and limits**

No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

(Pub. L. 106-274, §2, Sept. 22, 2000, 114 Stat. 803.)

**SHORT TITLE**

Pub. L. 106-274, §1, Sept. 22, 2000, 114 Stat. 803, provided that: “This Act [enacting this chapter and amending sections 1988, 2000bb-2 and 2000bb-3 of this title] may be cited as the ‘Religious Land Use and Institutionalized Persons Act of 2000’ ”.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2000cc-2 of this title.

**§ 2000cc-1. Protection of religious exercise of institutionalized persons**

**(a) General rule**

No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 1997 of this title, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—

(1) is in furtherance of a compelling governmental interest; and